

REMARKS

In response to the Office Action mailed on October 7, 2004, Applicants submit the following Amendment and Response. Claims 56-69 remain pending. Support for these amendments can be found in the specification at, e.g., Fig. 6, page 22, lines 33-37 and page 23, lines 1-7. Therefore, these amendments are made without the addition of new matter.

35 U.S.C. § 103

Claims 56-69 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hollis et al. (U.S. Patent No. 5,846,708) in view of Wilding et al. (U.S. Patent No. 5,726,026). Applicants have amended claim 56 to specify the fluidic system includes an optical window “wherein a plane containing the flat bottom portion of the optical window disposed adjacent the flow path and adjacent flow cell portions have spaced apart vertical walls substantially perpendicular to the bottom portion of the optical window that bound the edges of the optical window.” Applicants respectfully assert that neither Hollis nor Wilding teach or suggest an optical window with the above-mentioned characteristics. Neither reference teaches an optical window that meets or suggests these claim limitations. The optical window cited by the examiner in Wilding in Col. 10, lines 17-28 is a “transparent cover 29 … [that] serves as a window which facilitates dynamic viewing of the contents of the device.” As seen in Fig. 1, the transparent cover 29 lies on top of the analytical device. Conversely, Applicant’s optical window is a recessed window within the flow path of the flow cell. This optical window presents several advantages over the prior art transparent cover for the flow path. For example, the optical window of this invention may be a separate piece of the flow cell. As a discrete part, the window may be manufactured if a different material from the flow cell, such as quartz, which is more suitable for its transmission and/or non-fluorescence properties than

the material of the flow cell. Furthermore, a system where the optical window is a separate piece permits removal and interchanging of the window to insert a window with a refractive index substantially matching that of the given sample solution. These improvements are examples of the advantages of this design that increase the ease of manufacturing and significantly enhance the viewing quality of the optical window.

Claims 57-69 are dependent on claim 56, and therefore, contain all of the limitations of amended claim 56. Applicants submit that neither Hollis nor Wilding teach or suggest all of the limitations of the claims as amended. Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the claims as amended.

Applicants submit that the claims, as amended, are free of the cited art and are in position for allowance. Please charge Deposit Account No. **50-2862** for the 3-month extension fee and any other fees required by this submission. If the Examiner has any questions regarding this communication, or feels that an interview might facilitate prosecution of the application, he is invited to contact the undersigned at (949) 737-2900.

Respectfully submitted,

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